

**REMARKS**

Claims 1-12 stand rejected under 35 USC 103(a) over Namikawa, (U.S. Patent No. 6,094,698), in view of Tanimoto (Japanese Laid-Open Publication No. 10/213997). Applicants respectfully traverse this rejection because neither Namikawa nor Tanimoto, alone or in combination, discloses or suggests all of the features recited in independent claims 1 or 7.

The Examiner has cited col. 6, lines 7-10, of Namikawa as disclosing “a transfer state being stored in a second storage medium” as recited in claim 1. Applicants respectfully submit that Namikawa makes no such disclosure. Col. 6, lines 5-10, of Namikawa refers to a status area that “stores information showing the state of the data area.” This information is not analogous to the “transfer state” recited in claim 1. Instead, the information is used only to determine when data containing a control program is resident in the data area of a given external device such that “transfer” of the control program from the data area to the memory may begin.

It is helpful to consider Figures 2-4 of Namikawa as described in col. 6, line 1, through col. 9, line 58. As shown in Figure 2, Namikawa’s system is designed to allow several external devices G1 - Gx to be connected to a facsimile device F. The external devices are connected in series to the facsimile device F such that G3 is connected to G2, which is connected to G1, which is connected to F; this structure is referred to in Namikawa as a daisy chain. As a result of this structure, data cannot be transferred directly from the facsimile device to any external device other than the first external device G1. Therefore, in order to update the control program of a device other than G1 Namikawa had to devise a method of passing the control program through external devices in the chain to the targeted device Gn, such that the flash memory of only the target device Gn is updated. To this end, the external devices are equipped with a DRAM 26 to store transient data, in addition to the flash memory 22 which holds the control program of the device.

In the system of Namikawa, when the facsimile device F is powered on (step S1 of Figure 3) the system determines if a number key (referred to as a “ten-key”) is being pressed. If a number key

is being pressed, the system determines that a control program should be read from the facsimile device F and installed in the target external device Gn that corresponds to the number key that is pressed. Once this determination is made, data is transferred from the facsimile device F to the download area 26b of first external device G1, and then transferred from the first external device G1 to the download area 26b second external device G2 and so on until the data is transferred to the download area 26b of the target external device Gn. When it is determined that the data is stored in the download area 26b of the correct device Gn, the flash memory of that device is erased, and the data is transferred to the flash memory of the device.

In order to determine when the control data is resident in the download area of the target device Gn, Namikawa utilizes the information stored in the status area. This is the same information cited by the Examiner as stored "transfer status." However, contrary to the Examiner's assertions, this information is used by each external device to determine if the control program stored in the download areas 26b is targeted to the device. This is done by identifying the status as either a "1" or a "0" as shown in Figures 3 and 4, and using the status to control whether the device transfers the control program to another device as in Step S25 of Figure 4, or "transfers" the control program to the flash memory as in Step S7 shown in Figure 3.

Accordingly, the "status" of Namikawa's device has nothing to do with the transfer status of the control program to the flash memory of the external device, but is instead used to determine if the data is resident in the download area 26b of the correct external device.

As further evidence of this function, applicants direct the Examiner col. 8, lines 5-18, which describes Step 7. As shown in Figure 3, once a device determines that the data in the download area 26b belongs to that device, the data is transferred to the flash memory 22. Following the transfer Step S8 is initiated to display whether or not the transfer of data was successful. There is no disclosure or suggestion that a "transfer state" is determined between steps S7 and S8, let alone that that information is stored as recited in claim 1. Therefore, the information in the status area cannot

be considered equivalent to applicants' transfer state. Namikawa does not disclose or suggest storing a transfer status as recited in claim 1. Tanimoto does not disclose or suggest storing a transfer status as recited in claim 1, nor does the Examiner cite Tanimoto for this purpose.


As detailed above, neither Namikawa nor Tanimoto, alone or in combination, discloses or suggests the features recited in claim 1. Claim 1 is therefore allowable.

Claim 7 is similar to claim 1 in that it recites storing a transfer state and controlling a power supply in response to the stored transfer state. Accordingly, claim 7 is allowable for the reasons stated above. Claims 2-6 depend from claim 1 and claims 8-12 depend from claim 7. Applicants solicit an early action allowing claims 1-12.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 325772022500.

Respectfully submitted,

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